

AMENDED IN SENATE MAY 8, 2012

SENATE BILL

No. 1436

Introduced by Senator Lowenthal

(Principal coauthor: Assembly Member Olsen)

(Coauthors: Senators Price and Vargas)

(Coauthor: Assembly Member Block)

February 24, 2012

An act to amend and repeal Section 1797.196 of the Health and Safety Code, relating to automated external defibrillators.

LEGISLATIVE COUNSEL'S DIGEST

SB 1436, as amended, Lowenthal. Automated external defibrillators.

Existing law authorizes the Emergency Medical Services Authority to establish minimum training and other standards for the use of automated external defibrillators (AEDs) and generally provides immunity from civil damages in connection with AEDs. Existing law requires persons or entities that acquire AEDs to comply with maintenance, testing, and training requirements, which are scheduled to change on January 1, 2013. Existing law, until January 1, 2013, sets forth tenant notice and other requirements for owners of buildings in which an AED is placed.

This bill would extend the operation of these provisions indefinitely.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1797.196 of the Health and Safety Code,
2 as amended by Section 1 of Chapter 85 of the Statutes of 2006, is
3 amended to read:

4 1797.196. (a) For purposes of this section, “AED” or
5 “defibrillator” means an automated or automatic external
6 defibrillator.

7 (b) In order to ensure public safety, any person or entity that
8 acquires an AED is not liable for any civil damages resulting from
9 any acts or omissions in the rendering of the emergency care under
10 subdivision (b) of Section 1714.21 of the Civil Code, if that person
11 or entity does all of the following:

12 (1) Complies with all regulations governing the placement of
13 an AED.

14 (2) Ensures all of the following:

15 (A) That the AED is maintained and regularly tested according
16 to the operation and maintenance guidelines set forth by the
17 manufacturer, the American Heart Association, and the American
18 Red Cross, and according to any applicable rules and regulations
19 set forth by the governmental authority under the federal Food and
20 Drug Administration and any other applicable state and federal
21 authority.

22 (B) That the AED is checked for readiness after each use and
23 at least once every 30 days if the AED has not been used in the
24 preceding 30 days. Records of these checks shall be maintained.

25 (C) That any person who renders emergency care or treatment
26 on a person in cardiac arrest by using an AED activates the
27 emergency medical services system as soon as possible, and reports
28 any use of the AED to the licensed physician and to the local EMS
29 agency.

30 (D) For every AED unit acquired up to five units, no less than
31 one employee per AED unit shall complete a training course in
32 cardiopulmonary resuscitation and AED use that complies with
33 the regulations adopted by the Emergency Medical Service
34 Authority and the standards of the American Heart Association or
35 the American Red Cross. After the first five AED units are
36 acquired, for each additional five AED units acquired, one
37 employee shall be trained beginning with the first AED unit
38 acquired. Acquirers of AED units shall have trained employees

1 who should be available to respond to an emergency that may
2 involve the use of an AED unit during normal operating hours.

3 (E) That there is a written plan that describes the procedures to
4 be followed in the event of an emergency that may involve the use
5 of an AED, to ensure compliance with the requirements of this
6 section. The written plan shall include, but not be limited to,
7 immediate notification of 911 and trained office personnel at the
8 start of AED procedures.

9 (3) When an AED is placed in a building, building owners shall
10 ensure that tenants annually receive a brochure, approved as to
11 content and style by the American Heart Association or American
12 Red Cross, which describes the proper use of an AED, and also
13 ensure that similar information is posted next to any installed AED.

14 (4) When an AED is placed in a building, no less than once a
15 year, building owners shall notify their tenants as to the location
16 of AED units in the building.

17 (5) When an AED is placed in a public or private K–12 school,
18 the principal shall ensure that the school administrators and staff
19 annually receive a brochure, approved as to ~~contents~~ *content* and
20 style by the American Heart Association or the American Red
21 Cross, that describes the proper use of an AED. The principal shall
22 also ensure that similar information is posted next to every AED.
23 The principal shall, at least annually, notify school employees as
24 to the location of all AED units on the campus. The principal shall
25 designate the trained employees who shall be available to respond
26 to an emergency that may involve the use of an AED during normal
27 operating hours. As used in this paragraph, “normal operating
28 hours” means during the hours of classroom instruction and any
29 school-sponsored activity occurring on school grounds.

30 (c) Any person or entity that supplies an AED shall do all of
31 the following:

32 (1) Notify an agent of the local EMS agency of the existence,
33 location, and type of AED acquired.

34 (2) Provide to the acquirer of the AED all information governing
35 the use, installation, operation, training, and maintenance of the
36 AED.

37 (d) A violation of this provision is not subject to penalties
38 pursuant to Section 1798.206.

39 (e) The protections specified in this section do not apply in the
40 case of personal injury or wrongful death that results from the

1 gross negligence or willful or wanton misconduct of the person
2 who renders emergency care or treatment by the use of an AED.

3 (f) Nothing in this section or Section 1714.21 of the Civil Code
4 may be construed to require a building owner or a building manager
5 to acquire and have installed an AED in any building.

6 SEC. 2. Section 1797.196 of the Health and Safety Code, as
7 amended by Section 2 of Chapter 85 of the Statutes of 2006, is
8 repealed.